

COMMENT



US Army Corps
of Engineers
Huntington District

DOVER DAM (DOVER, OHIO) DAM SAFETY ASSURANCE STUDY AND ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD
(Privacy Act Statement on Reverse)

NAME AND ADDRESS

Michael & Bob Wintuck
56559 St Johns Rd.
Quakertown OH

PHONE

740-629-2414

INFORMATION ON THIS FORM WILL BE
USED TO NOTIFY YOU OF FUTURE
ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

☐ SELF ☒ ORGANIZATION
☐ GOVERNMENT ☐ OTHER
AGENCY

NAME OF ORGANIZATION OR AGENCY
AND YOUR POSITION OR TITLE

Stop MUCD Coalition VP

Alternative actions are now under consideration by the Corps of Engineers to achieve project purposes. This consideration includes the evaluation of environmental, economic and engineering parameters of the project. The Corps would like your input regarding the issue under consideration. Please provide your comments on the proposed alternative(s), the areas of study, or questions to be answered to ensure a proper evaluation of the alternatives proposed.

1-A

*If Counties & Cities had restricted development
in flood prone areas over the past 70 yrs. Half the flooding
would be controlled. How can these dams stop floods
when it may rain in different areas and not around the
lake areas. How can you prevent that kind of flooding.*

Email

QC.SPOT@YAHOO.COM

Additional space is available on back of this sheet. Attach additional sheets as required.

RESPONSE

1-A The reservoirs cannot reduce downstream flooding from rainfall events that strictly occur over the uncontrolled areas. Project regulation, on captured incidental rainfall from these events, can usually provide some measurable downstream flood relief. The historical record on damages prevented shows a very positive outcome for the Muskingum watershed under the existing flood control system.

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5-24-66

NAME AND ADDRESS

Stacie Ruth Thompson
% FOR THE KIDS MINISTRIES
714-Nash Juncos Ave
Over, Ohio 44622

PHONE

330-432-0446 - Dave Maw

Alternative # 330-340-8441 - David Lemp
College of Arts

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FOR THE KIDS MINISTRIES - exec director

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- 2-A - I would like to study the Geo-technical Evaluations.
- I would appreciate any and all information available to me.
- 2-B - What about ~~an~~ an alternative which would incorporate REVIVING the Historic Erie Canal type of system - Raising / lowering locks?
- 2-C - Why do you only check 1 monolith? It would seem that such a missed. How do you check what not to check? or a jail note and eventually all are checked over a period of time?
- 2-D - I'd like COST SHARE information. See 31 Richmond DSA 996
Additional space is available on back of this sheet. Attach additional sheets as required.
In regards to 3.45% COST SHARE and if study costs are included [My Ohio Real Estate License # 3511102] it seems to me no Commenced on any construction. You cannot construct until you study. So therefore study costs ought to be included in cost share.

RESPONSE

- 2-A This information can be found in Appendix C – Tab II.
- 2-B This type of system does not provide flood control benefits.
- 2-C Three typical monoliths, one each for the three distinct portions of the dam, were selected for evaluation during this phase in order to make a determination of the feasibility of the project. Every monolith will be evaluated in more detail during the design phase of the project.
- 2-D Please refer to Paragraph 3.3 and Appendix A of the Dover DSA Program Evaluation Report. The non-federal cost share, 3.45%, is for the total project cost.

COMMENT

I'd like to see an expansion regarding listening by staff.
 - Perhaps give a public address to speaker from MICROAFF-1 to the
 to when speaking.
 Thank You for Your Time and Attention
 We pray for you as we realize the
 awkwardness of the Rules involved. I can
 see how frustrating with jobs can become.
 I pray your time is not as you know.
 He can not only offer eternal security but be
 a friend to you while you are on mission. As
 said. We bless you and pray the blessing of Solomon
 to you. Miss Ruthie Bay. FTKA 5-2406

PRIVACY ACT STATEMENT

Authority: Section 101(b), Public Law 91-190, National Environmental Policy Act of 1969, (83 Stat. 852),
 1 January 1970.

ER 1105-2-30, "General Planning Principles", & EP 1105-2-35, Public Involvement and
 Coordination."

Permit Activities-Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and/or Section
 404 of the "Clean Water Act", 33CFR 327, "Public Hearings."

Principal Purposes:

To obtain information from individuals in attendance at public meetings. Requested data include
 name, address, title/occupation, representing self or organization, address of organization, and
 brief written comments. The form also asks if the individual desires to make an oral statement
 concerning the proposed activity under discussion.

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 decision(s) concerning the activity,
2. To learn the desires of individuals regarding statements he/she wishes to make at the meeting so that
 all persons will be given an opportunity during the meeting,
3. To gather a brief occupational profile to facilitate agency correlation of views and areas of expertise,
4. To record written comments of attendees at the public meeting.

Non-participation

Notice: All data requested is voluntary. Public meetings are held to offer individuals an opportunity to
 participate in the planning or review process. The only effect on individuals choosing not to
 furnish requested data is that the effectiveness of their participation would be lessened.

MAIL COMMENTS TO:

David M. Rieger
 U.S. Army Corps of Engineers, Huntington District
 502 Eighth Street, Huntington, WV 25701-2070.

Telephone: (304) 399-5160

Electronic mail:

David.M.Rieger@Lrh01.usace.army.mil

FOR FURTHER INFORMATION CONTACT:

Mr. Rodney G. Cremeans PM-P
 U.S. Army Corps of Engineers, Huntington District
 502 Eighth Street, Huntington, WV, 25701-2070

Telephone: (304) 399-5170

Electronic mail:

Rodney.G.Cremeans@Lrh01.usace.army.mil

RESPONSE

2-E The Ohio Emergency Management Agency (OEMA) is the
 central point of coordination within the state for response and
 recovery to disasters. OEMA has developed and established a
 statewide emergency operations plan that meets federal
 requirements. The emergency management response depends
 on a tiered effort. When an emergency exceeds the capacity of
 local government, they request the assistance of the state through
 OEMA. If an emergency response exceeds the capacity of the
 OEMA, aid is requested from the president through the Federal
 Emergency Management Agency.

COMMENT



**US Army Corps
of Engineers**
Huntington District

**DOVER DAM (DOVER, OHIO)
DAM SAFETY ASSURANCE STUDY AND
ENVIRONMENTAL IMPACT STATEMENT**

COMMENT RECORD
(Privacy Act Statement on Reverse)

NAME AND ADDRESS

HARRY WOOD
CAMP TUSCAZOO FOUNDATION

PHONE HARRY 5TH @ AOL.COM

INFORMATION ON THIS FORM WILL BE
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ACTIONS AND TO RECORD BRIEF
WRITTEN COMMENTS.

WHOM ARE YOU REPRESENTING?

☐ SELF ☒ ORGANIZATION
☐ GOVERNMENT ☐ OTHER
AGENCY

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3-A

CAMP TUSCAZOO SENT 300 SCOUTS & ADULTS THRU
DOVER DAM IN 2006. WE'VE BEEN DOING THIS SINCE
1988 AND HOPE TO BE ABLE TO KEEP DOING IT.
THANK YOU!

Additional space is available on back of this sheet. Attach additional sheets as required.

RESPONSE

3-A The U.S. Army Corps of Engineers will accommodate visitors to the Dover project to the maximum extent possible. During construction of the Dam Safety Assurance project, groups are encouraged to plan visits and tours of the construction. However, there will be certain periods during construction when it is not safe to accommodate visitors. Groups and individuals are encouraged to contact the U.S. Army Corps of Engineers to properly plan visits to the project.

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DOVER DAM (DOVER, OHIO) DAM SAFETY ASSURANCE STUDY AND ENVIRONMENTAL IMPACT STATEMENT

COMMENT RECORD
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NAME AND ADDRESS

 Mr. Marlys Barbee
8137 W Sharps Ridge Rd. NW
Mc Connelsville OH 43756

PHONE

1-740-962-2741

mjbarbee@emypeople.net

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4-A

— Send link to Corps web site

— Send Dover Project web site link when available.

Additional space is available on back of this sheet. Attach additional sheets as required.

RESPONSE

4-A The following link is provided for the Huntington District's web page: <http://www.lrh.usace.army.mil/>

The Dover DSA project web site is not available at this time. General information on the Dover Dam can be obtained from visiting

http://www.lrh.usace.army.mil/kd/go.cfm?destination=Page&Page_ID=1218

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COMMENT RECORD
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NAME AND ADDRESS

YVONNE FONDRIEST
215 YOUNG DRIVE
DOVER OH 44622

PHONE 330 364 2970

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WHOM ARE YOU REPRESENTING?

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5-A ① What is the immediate PLAN OF ACTION, for
Evacuation not if but when a Dam Collapses
Because I know from Personal Experience what
it is like to Pull A 9 Yr Old Body
From A Flood!

5-B ② I know also the Cost to Repair replace
material design but Human life is more
important than any Cost of "Grand Central
Level Hole"

5-C ③ One like "Engineer" states "He Works He Has"

Additional space is available on back of this sheet. Attach additional sheets as required.

The "Original" Dover Fording, Fr 1920. Would
have records be part of the National Archive
of all Public Records Held in DC

RESPONSE

5-A If a storm event were to occur that creates a need for significant discharge from Dover Dam, the U.S. Army Corps of Engineers will contact the Tuscarawas County Homeland Security and Emergency Management Agency. The U.S. Army Corps of Engineers will communicate to the Tuscarawas County Homeland Security and Emergency Management Agency the anticipated amount of discharge. If the Dover Dam were to experience a catastrophic failure, the U.S. Army Corps of Engineers would contact the Tuscarawas County Homeland Security and Emergency Management Agency.

5-B Comment noted.

5-C Comment noted.

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NAME AND ADDRESS

Robert Knauss
253 E. High Ave
New Philadelphia OH
44663

PHONE

330-364-4700

Re. Dover Dam

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6-C Building in the Flood Plain should be prohibited.
Critical infrastructure should be raised or relocated.
Private owners should be offered a buy out.
Alternative 9 and 10 should be put into effect and
dam activities sunsetted over a 50 year period.

Additional space is available on back of this sheet. Attach additional sheets as required.

RESPONSE

6-C Under the Dam Safety Assurance Program the Corps does not currently have the authority to investigate a full array of flood protection measures (i.e. nonstructural, local flood protection). The Corps is only authorized to study rehabilitating the dam.

The Guidance for a Dam Safety Assurance Project is given in EP 1110-2-1155 and states, "The total average annual benefits of the existing project should be greater than the annual costs of the modification plus additional operation, maintenance, repair, replacement and rehabilitation (OMRR&R), if any. In the event that the benefits do not exceed the costs, consideration will be given to breaching the dam and the rationale for not selecting the breaching option will be provided if improvement is recommended."

A review of "Table 12 - Summary of Annual Benefits and Cost, Recommended Plan" from Appendix I shows that the benefits of rehabilitating the dam are greater than the cost of repair, thereby removing Alternatives 9 and 10 from consideration.

COMMENT

Jerry K. Kohl

8758 Fort Laurens Rd., NW
Strasburg, OH 44680

June 6, 2006

David M. Rieger
U.S. Army Corps of Engineers, Huntington Division
502 Eighth Street
Huntington, WV 25701-2070

Dear Mr. Rieger:

In my opinion the MWCD and the US Army Corps of Engineers are using the "chicken little" theory. I personally knew a former dam keeper at the Dover Dam, Mr. Henry Pepper. I have been a resident of this area for sixty-seven years. During my younger years my parents operated boat concessions at the Leesville, Atwood, and Knox and Blue Stone Reservoir lakes. Aerial photos of the "Big Flood" of 1969 were taken by my father, Ed Kohl, and me for the Corps.

7-A

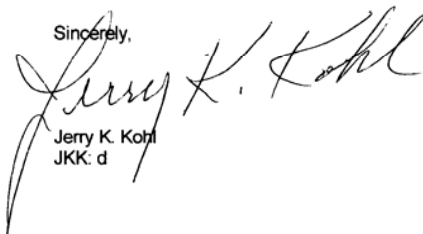
I feel that the MWCD has forgotten the original purpose for the construction of all the dams within the MWCD area. The original intent was to control flooding within the valleys and downstream. I believe that has been successful and can still work today. With modern technology, the monitoring equipment and computers and the models that exist, there is no reason to have a flood downstream or over load the Dover Dam. The first order of business is to get back to basics. All MWCD lakes should be drawn down five feet from the existing pool level during the months of May thru September. September thru April all lakes should be drawn another ten feet. This would prevent a two inch rainfall of over topping any dam in the system. The lakes were created for flood control not recreation!!!! Their purpose is still the same and can be controlled by a fifteen foot draw down.

7-B

How many people actually use the lakes? Not many use the lakes, based upon your theories of the lost property and businesses down stream during the events of 2004. I think you would have to agree that Atwood and Leesville drain to the Dover Dam. If their pools were lower in 2004 the Bolivar Dam could have functioned as it was designed allowing Dover Dam to handle the immediate surge. Due to boat docks, homes and camping at existing pool levels there is no storage area. MWCD should be charging fees to all land lease owners, boaters, campers and using these fees along with the income from the timber, gas and oil producers for shore erosion, if it is necessary. MWCD should not be in the recreation business but doing flood control as originally intended.

In reference to repair of the Dover Dam, which will take five years plus, I think Alternative 10 could be the answer.

Sincerely,



Jerry K. Kohl
JKK: d

RESPONSE

7-A It is a fact that the drainage from Atwood, Leesville, and Bolivar goes into the Tuscarawas River, which is then dammed at Dover. The MWCD has the authority dating from its original charter to utilize project lands to benefit the citizens of the state and the region with flood control, recreation, water supply and other uses. Dover dam currently cannot operate as originally designed and would likely fail prior to reaching spillway, therefore, the dam needs to be fixed in order to operate to the original intended design. The Dam Safety Assurance program it's currently under will allow for that fix, as well as for improvement for the dam to withstand a Probable Maximum Flood event.

The recreation and water supply needs of Atwood and Leesville have not historically exceeded the flood control capability of the projects. A dry dam approach to protect for a very rare event will not spare the basin from major flood damages. The data for Leesville and Atwood Dams were reviewed to identify the potential benefits gained by drawing their pools down as a potential Interim Risk Reduction Measure. Drawing them down an additional 15 feet more during the winter months results in a potential decrease of 2-4 feet in Dover's pool, which initially seems significant, however it was determined that a storm event that would cause Dover Dam to have an uncontrolled rise in pool that results in a Factor of Safety for Dover Dam of less than 1.0 is less than the projected spillway frequency of either Leesville or Atwood dams. This means that Leesville and Atwood dams can keep their gates closed, without reaching spillway, throughout an event that would likely cause a failure of Dover dam, and the 2-4 foot gain

(cont'd)

COMMENT

RESPONSE

7-A (cont'd)

would never be realized. Therefore, there is no reason to draw down either Leesville or Atwood dams beyond their normal pools for either a permanent or interim fix.

There are significant recreational benefits associated with Atwood and Leesville Lakes, and, again, recreation is an authorized project purpose that contributes significantly to the local economy. Additionally, to drain the lakes as specified in this letter would cause severe degradation to the existing riparian environment and its associated wetlands, while providing relatively little in additional flood damage reduction.

7-B Comment noted. Visitation for the year 2006 was 1,403,000 at Atwood Lake and 246,000 for Leesville Lake. This is down 12% from 2005.

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NAME AND ADDRESS

Bennie Little
2265 Waynesburg Rd NW
Carrollton, Ohio 44615

PHONE

330-627-3733

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WHOM ARE YOU REPRESENTING?

☐ SELF ☐ ORGANIZATION

☐ GOVERNMENT ☒ OTHER
AGENCY Family-Friends-Employees
and Customers

NAME OF ORGANIZATION OR AGENCY
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We want you to know that we are against
the MWED having any control over the dams
or fixing waterways. They should turn all
control over to US Army Corp of Engineers
and/or Dept. of Nat. Resources. Judges
are Judicial branch of Gov. - they should
not legislate! We the people are speaking
out against the 18 Judges who comprise
the MWED. If we do not have a chance to
vote on this - we are living under a dictatorship.

Additional space is available on back of this sheet. Attach additional sheets as required.

Contd. on back

RESPONSE

8-A The U.S. Army Corps of Engineers owns, operates, inspects and maintains the following 16 projects in the Muskingum River Basin: Atwood, Beach City, Bolivar, Charles Mill, Clendening, Dillon, Dover, Leesville, Mohawk, Mohicanville, North Branch of Kokosing, Piedmont, Pleasant Hill, Senecaville, Tappan and Wills Creek.

COMMENT

We trust that the Army Corp. of
Engineers are more capable of Solving
this problem with in the waterways.

Please reply to:

Bonnie Little

2265 Waynesburg Rd. NW

Carrollton Ohio 44615

ph # - 330-627-3733

PRIVACY ACT STATEMENT

Authority: Section 101(b), Public Law 91-190, National Environmental Policy Act of 1969, (83 Stat. 852), 1 January 1970.

ER 1105-2-30, "General Planning Principles", & EP 1105-2-35, Public Involvement and Coordination."

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Telephone: (304) 399-5160

Electronic mail:

David.M.Rieger@Lrh01.usace.army.mil

FOR FURTHER INFORMATION CONTACT:

Mr. Rodney G. Cremeans PM-P
U.S. Army Corps of Engineers, Huntington District
502 Eighth Street, Huntington, WV, 25701-2070

Telephone: (304) 399-5170

Electronic mail:

Rodney.G.Cremeans@Lrh01.usace.army.mil

RESPONSE

COMMENT

Dover Dam Safety Assurance Study And Environmental Impact Statement

Comment Record Attachment

John R. Limbacher
Box 231
Baltic, Ohio 43804

9-A

1. The Corp makes much of the danger that Dover Dam can or could pose to the residents of the watershed. I personally ask you, at a meeting held in New Philadelphia, why do you not have a public warning and evacuation plan in place, if in fact the Dover Dam poses such a threat to the residents and community as you say it does? My question was never answered satisfactorily.

9-B

2. Why are you focusing on Dover Dam, a concrete structure, when two earthen dams, Bolivar and Beach City and possibly others, show sizable leakage under, and near the bases which you took emergency measures to cover with gravel filters during past high water pools?

9-C

3. I know you say you have changed the way you evaluate the safety of dams. This could pose legal liability to the Corp if you do not act on design flaw criteria. However, are you really trying to protect yourselves from legal liability for Dover Dam when other earthen dams in the watershed could be the ones that really fail? You stated that Dover Dam has not moved on its foundation in anyway, and you have not taken some of the emergency measures needed on other dams at the Dover Dam.

9-D

4. Your geologist uses the geology word "Fault" running under Dover Dam. I am not aware of any active or inactive seismic faults, old or new, in this area. The watershed's sedimentary formations of shale, sandstones, limestone, coal, clay, and so forth characteristically have many harmless bedding planes, and limestone, usually only inches to a number of feet in thickness, characteristically has many harmless fractures in the limestone seam. Are you certain that you are applying and assigning the right geological terminology to

RESPONSE

9-A The Ohio Emergency Management Agency (OEMA) is the central point of coordination within the state for response and recovery to disasters. OEMA has developed and established a statewide emergency operations plan that meets federal requirements. The emergency management response depends on a tiered effort. When an emergency exceeds the capacity of local government, they request the assistance of the state through OEMA. If an emergency response exceeds the capacity of the OEMA, aid is requested from the president through the Federal Emergency Management Agency.

9-B The Huntington District, U.S. Army Corps of Engineers is currently studying five projects under the Dam Safety Program and the Dam Safety Assurance Program. These projects are Dover, Bolivar, Mohawk, Zoar Levee and Diversion Dam and Beach City.

9-C The five flood control dam projects in the Muskingum basin in the Huntington District of the U.S. Army Corps of Engineers are being studied because more information is available for these dams. In light of the most recently available information, these five dams are furthest from meeting current seepage and stability criteria. The intent of these studies is to protect the public to the maximum extent allowed by law.

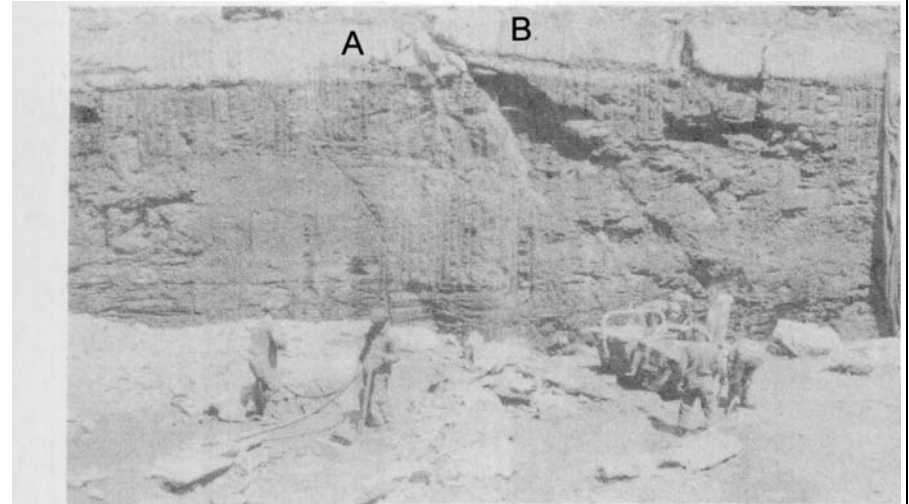
9-D A Fault as defined by the American Geological Institute (1974).

Fault [struc geol] A surface or zone of rock fracture along which there has been displacement, from a few centimeters to a few kilometers in scale. (cont'd)

COMMENT

RESPONSE

9-D (cont'd)



Side view of thrust fault. In foreground shattered material is being removed to firm rock.

Scan of the Dover Dam thrust fault found during construction.

In the photo you can see that the material, labeled (A) is the footwall of the fault and the material labeled (B) is the hanging wall. The hanging wall is moving upward relative to the footwall due to horizontal compression, making this either a thrust or a reverse fault. Because of the obvious displacement, as shown in the photo, the term fault is appropriate.

COMMENT

the Dover Dam geological evaluation? I say the term "Fault" is a misrepresentation.

- 9-E 5. Would a change, assigning proper and correct Dover Dam geological terminology, result in Dover Dam being safer in your models than you are portraying it to be as you are currently applying geological terminology that includes the word "Fault"?
- 9-F 6. The Dover Dam stream bed has survived the tremendous erosion forces of the last glacier ice melt waters carving the valley down to the least erosive formations as it is today. Your geologist did not acknowledge the fact that the Dover Dam valley site has had glacier waters flow through it at near unbelievable biblical volumes and rates in the past. I use this analogy because no record exists, other than this was a good place to build Dover Dam because of past erosion, far greater than your hydrologic models show. My question is this... what is the source and the amounts of water you are telling us Dover Dam must not fail under coming from?
- 9-G 7. What will the projected flooding be in areas not protected by a dam, if the amount of water you answer question 6 with does occur, in these and other surrounding watersheds?
- 9-H 8. It is impossible to install protection for all magnitudes of natural disasters, as hurricane Katrina and the Gulf coast disaster has proved as one example, but there are many other examples of similar natural disasters. Interstate 77 near Bolivar, Ohio had Dover Dam flood pool waters within 32 inches (your figure) of going onto the road surface during the flood of 2005. What is your plan to deal with a flooded and closed interstate 77 should this ever occur under current Dover Dam design or changed Dover Dam design?
- 9-I 9. What are your plans to help, cope, or deal fair with the people and the communities (Bolivar, Zoar, etal.) that will be severely flooded under your current Dover Dam design or your changed Dover Dam design?
- 9-J 10. Is the Corp the Muskingum Watershed driving force behind the property assessment being proposed by the Muskingum Watershed? You are required to get about 31/2% of your funds from them.
- 9-K 11. Are you in fact aiding Muskingum Watershed in passing the property assessment by promoting Dover Dam as a

RESPONSE

9-E Changing the terminology would not change the rock strengths used in the stability calculations. If you call it a fault or a broken zone or a slickenside what you're describing is a rock material that at some point in its geologic history has been weakened due to displacement, and this weakness is taken into account when assigning rock strengths.

9-F The source and amount of water used for the recommended design level of the Probable Maximum Flood (PMF) can be found in Appendix C – Tab I. The failure mechanism for Dover Dam is the interaction between the structure and its foundation due to differential hydrostatic loading and uplift forces along this interface, not the flow of the water. It should also be noted that a large section of the foundation rock downstream of the stilling basin eroded during construction leaving a hole that was filled with derrick stone.

9-G There will be extensive flooding in and out of the Dover Dam drainage basin but the extents can vary widely depending on the exact nature of the storm event.

9-H Because the Recommended Plan of Improvement for the Dover Dam project does not change the amount of water that will be impounded by the Dover Dam, the U.S. Army Corps of Engineers is not authorized to raise the elevation of roads nor is the U.S. Army Corps of Engineers authorized to pay for raising the elevation of roads.

COMMENT

pending hazard and disaster and using Dover Dam to help pass the Muskingum Watershed property assessment fee? You will in fact receive funds from the Muskingum Watershed property assessment fee. You did say you had lawyers checking into the situation. Please explain your answer.

I was very disappointed to read the Times Reporter article, after the May 2006 Dover Dam meeting. The comments in the article made by the Corp spokesman were as if he did not even attend the meeting, let alone listen to any of the comments made at the same meeting. I assumed, after reading the Times Reporter article and having attended the meeting, the same Times Reporter article was compiled for promotional purposes and to address legal procedure formalities rather than deal with real Dam and flooding issues. Is my promotional and legal assumption totally true or true in part or otherwise? Please explain your answer.



RESPONSE

9-I The proposed project will not induce damages on property located upstream of the dam. The United States currently owns flowage easements in this area up to elevation 916 msl, and the proposed project will not change the elevation of the current dam spillway or otherwise affect properties above this elevation

9-J The question and comment is not fully understood. The non-federal cost share partner is the Muskingum Watershed Conservancy District (MWCD) and the MWCD will contribute 3.45% of the total project cost of the Dover Dam Safety Assurance Project.

9-K The Dover Dam is being studied under the Dam Safety Assurance Program. The Dover Dam is being studied because it will not perform to its intended level of service. Furthermore, the Dover Dam will be improved to be stable for the Probable Maximum Flood (PMF).

COMMENT

Cremeans, Rodney G LRH

From: Levengoodsc@aol.com
Sent: Saturday, February 10, 2007 6:39 PM
To: Cremeans, Rodney G LRH
Cc: carlisle@eohio.net; handrich@tusco.net; abz@raex.com; mjbabee@emypeople.net; Pajohawk@aol.com
Subject: Public Records Request

Scott Levengood

7039 McKee Road

Mineral City, Ohio 44656

330.407.4001

levengoodsc@aol.com

February 10, 2007

Mr. Rodney Cremeans
U.S. Army Corps of Engineers
502 8th Street
Huntington, W.V. 25701-2070

304.399.5170

Rodney.G.Cremeans@usace.army.mil

Dear Mr. Cremeans,

This is a formal request for the following information. Any and all requested information, documents and electronic files can be sent to me via email at levengoosc@aol.com.

1. The U.S. Army Corps of Engineers has established guidelines for conducting a cost-benefit analysis for flood reduction projects. Please provide me with a copy of the document that specifies the current established guidelines for conducting a cost-benefit analysis for flood reduction projects.

RESPONSE

10-A A copy of ER 1110-2-1155 was provided in PDF format.

COMMENT

10-B 2. Please provide me with a copy of the document that specifies the 3.45 percent cost-share agreement that applies to the maintenance of flood reduction projects between the U.S. Army Corps of Engineers and the Muskingum Watershed Conservancy District (MWCD).

10-C 3. Please provide me with an electronic copy of the of the PowerPoint Presentation presented to the public by Nick Krupa at the Golden Rule School in Byesville, Ohio on June 15, 2006.

Respectfully submitted,

-Scott Levensgood

RESPONSE

10-B The following was provided via e-mail response: In regard to the 3.45% non-federal cost share requirement, there is no single document that establishes this requirement. This requirement is determined from several references and is documented in Appendix A of the Dover DSA Program Evaluation Report, which is currently available for public review. I am also including a copy of Appendix A in this e-mail reply.

10-C A copy of the PowerPoint presentation was provided via e-mail response.

COMMENT

Cremeans, Rodney G LRH

From: Pajohawk@aol.com
Sent: Wednesday, February 14, 2007 7:07 AM
To: Cremeans, Rodney G LRH
Subject: (no subject)

11-A

The 1986 letter of intent, modeled after the Bureau of reclamation dam safety work, as written is not easily interpreted. One thing, quite clear, is the intent to reclaim 15% of the cost of dam safety updates on dams that are profitable. Several of the MWCD dam basins support a profitable recreational income and a couple are engaged in water sales. The reduced fifteen percent cost share (3.45%) for those dams is based on a percentage of the original funding provided by MWCD. The letter also is quite clear on the point that larger dams will be one hundred percent funded by the U. S. Army Corps of Engineers. Why doesn't Dover dam as well as the other dry dams in the MWCD system qualify for the same treatment?
John S, Hawkinson 14800 Walhonding Road Senecaville, Ohio 43780

RESPONSE

11-A Please refer to Appendix A of the Dover DSA Program Evaluation Report. The non-federal cost share is dependent on the original cost share arrangement at the time of original construction and is not dependent on whether the dam is large or whether the dam is profitable.

COMMENT

Cremeans, Rodney G LRH

From: Randy Keitz [rlkeng@verizon.net]
Sent: Thursday, February 22, 2007 9:03 PM
To: Cremeans, Rodney G LRH
Subject: RE: Dover Discharge Capacity (UNCLASSIFIED)

Mr. Cremeans,

Thank you for the discharge information.

I would also like to obtain a copy of the stage-discharge curve for Dover's 18 sluice gates being fully open that shows discharges for all elevations up to the 931.0 ft elevation. Alternatively, this could be a stage-discharge table at one foot increments up to the 931 ft. elevation or similar. You had mentioned that this could be sent as a pdf.

Again, thank you.

Randy Keitz
rlkeng@verizon.net

-----Original Message-----

From: Cremeans, Rodney G LRH
[mailto:Rodney.G.Cremeans@lrh01.usace.army.mil]

Sent: Wednesday, February 21, 2007 7:10 PM
To: rlkeng@verizon.net
Subject: Dover Discharge Capacity (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Mr. Keitz,
The combined discharge capacity of Dover's spillway and outlet works (eighteen sluice gates) with a pool elevation of 931 is in the range of 115,000 to 120,000 cfs.
Rodney Cremeans
Project Manager
(304) 399-5170
Classification: UNCLASSIFIED
Caveats: NONE

RESPONSE

12-A The request for this information will be handled under the Freedom of Information Act.

COMMENT

Cremeans, Rodney G LRH

From: levengoodsc@aol.com
Sent: Thursday, March 08, 2007 9:25 AM
To: Cremeans, Rodney G LRH
Cc: district97@ohr.state.oh.us
Subject: Public Information Request

Dear Mr. Cremeans,

Please provide me with a list of dams including their physical location throughout the United States in which the U.S. Army Corps of Engineers owns the flood control dam but does not own the reservoir/conservation pool associated with it.

Respectfully submitted,

-Scott Levengood

AOL now offers free email to everyone. Find out more about what's free from AOL at AOL.com
<<http://pr.atwola.com/promoclk/1615326657x4311227241x4298082137/aol?redir=http://www.aol.com>> .

RESPONSE

13-A The request for this information will be handled under the Freedom of Information Act.

COMMENT



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
6950 Americana Parkway, Suite H
Reynoldsburg, Ohio 43068-4127
(614) 469-6923 / FAX (614) 469-6919
November 15, 2006

Colonel Dana Hurst
District Engineer
Huntington District, Corps of Engineers
502 Eighth Street
Huntington, WV 25701-2070

Attn: Jonathan J. Aya-ay, Planning Section

Dear Colonel Hurst:

This is in response to your request for our Planning Aid Letter regarding the Dover Dam Safety Assurance Project, Dover, Tuscarawas County, Ohio. Your staff has indicated that currently, the Dover Dam on the Tuscarawas River (Figure 1) does not conform to the Corps' current design standards for high hazard dams. We understand that you intend to complete planning, design, and construction of Dam Safety Assurance measures to meet these design standards to better guarantee the safety of the public. Some of the Preliminary Alternatives that you examined include:

- a) constructing a new dam,
- b) raising the existing dam height,
- c) constructing an auxiliary spillway (varying capacities),
- d) modifying the existing spillway,
- e) constructing a stilling basin downstream of the existing dam, and
- f) anchoring the existing structure to prevent sliding.

BACKGROUND

The Corps evaluates structures such as Dover Dam periodically throughout their lives. These evaluations are important for identifying trends in the aging process of the structure, as well as offering an opportunity to consider developments in the design and weather forecasting sciences. Concerns for the stability of the dam have grown over the life of Dover Dam. Since the construction of the project in the 1930's, the maximum pool recorded was 907.4 feet mean sea level (msl) or 8.6 feet below the spillway crest in January 2005. No significant problems have been encountered with the dam; however, inflow is very carefully monitored to ensure the safety of the public downstream of the dam.

RESPONSE

COMMENT

The Corps will continue to manage stability concerns in the event of extreme flooding. However, recent flood events have highlighted the need to address on-going concerns and renew consideration of potential low-frequency extreme flood events. The National Weather Service has published details of procedures and methods that are used to develop generalized estimates of Probable Maximum Precipitation (PMP), the greatest rainfall rates for specified durations that are theoretically possible for regions throughout the United States. These rainfall estimates are considered extreme, with a very low probability of occurrence. However, the worst-case storms associated with the PMP events, retain some probability of occurrence. These PMP events are used to develop flood scenarios and guide design criteria for structures such as Dover Dam. The Corps has determined the dam may not safely accommodate flooding during these theoretical Probable Maximum Flood (PMF) events.

In the event of a PMF, the pool behind Dover is estimated to reach or exceed elevation 940.5 feet msl. For context, the project will be completely overtopped at elevations above 931 feet msl, the current spillway elevation is 916 msl and the project was designed for flood waters reaching only 936.8 msl. The concrete gravity dam is also believed to be unstable against sliding under these conditions due to known faulting and uncertain foundation bedrock quality.

ADVANCED ALTERNATIVES

Consideration of public and agency comments during the scoping period and a more detailed study of initial alternatives have revealed two action alternatives that best meet project purposes. These action alternatives along with the No Action alternative will be carried forward for detailed consideration. They are briefly described below:

1.) Raise and anchor dam to accommodate 100% Probable Maximum Flood (PMF).

This alternative includes raising the existing dam approximately 9 feet to accommodate the 100% PMF. This alternative would include anchoring of the existing dam with steel cable.

2.) Allow overtopping and Anchor dam to accommodate 100% PMF.

This alternative includes modification of the current non-overflow sections to be able to withstand flow during extreme flood events up to the 100% PMF event. This alternative would also include anchoring of the existing dam.

The Huntington District has determined that an Environmental Impact Statement (EIS) for the project is warranted to comply with the National Environmental Policy Act (NEPA). We will assist the District in assessing existing baseline fish and wildlife habitat conditions, identification of fish and wildlife concerns and opportunities, evaluating the selected and alternative plans, and developing environmental mitigation measures for the project.

On August 3, 2006, Service biologists attended a briefing meeting with Corps staff who are working on the Dover Dam project. The Corps staff provided background material regarding its flood control system within the Muskingum River Basin and the proposals considered to bring a number of deficient dams to current safety standards in this watershed. Also discussed were examples of other dams within the Huntington District that were upgraded to today's standards.

RESPONSE

COMMENT

FISH AND WILDLIFE RESOURCES

Ohio EPA provided the Service with macroinvertebrate and fish survey data from the Tuscarawas River in the vicinity of Dove Dam (Appendix A). Also, included are tables of information on the Invertebrate Community Index (ICI), the Index of Biotic Integrity (IBI) for the fish community, and finally a table for the Qualitative Habitat Evaluation Index (QHEI). Overall, it appears that the Tuscarawas River has had modest improvements, since the 1995 collections. The fish species list indicates a diverse fishery resources that we believe will continue to improve as sources of pollution continue to be abated and if the riparian vegetation is left intact. Figure 2 shows fishing and kayaking activities on the Dover Dam tailwater area.

On September 1, 2006, a Service biologist made an on-site review of the proposed project area to characterize the Tuscarawas River down and upstream from the Dover Dam, its riparian habitat, and to photograph the above areas (Figures 3 and 4). Results of the vegetation survey is included in Table 1. Based on this survey, we consider the riparian vegetation to be stable, with good species diversity. The riparian corridor provides food, cover, and nesting habitat for a variety of wildlife species.

Upstream Access Road:

On September 21, 2006, a Service biologist attended an on-site meeting with your staff, as well as Regulatory Branch staff, to review the proposed access roads from Old Zoarville Road to the Dover Dam. The proposal includes separate ingress and egress roads on beds that were used as a railroad prior to construction of the dam (Figure 5) and the more recent railroad bed built on a higher elevation. At some locations the remains of railroad ties still exist on this bed. Even with separate access roads, some widening of the existing roadway would be necessary at some segments, at least.

The entire proposed access-road area is forested, except for the narrow railroad beds. Some of the forest is wetland. At this time wetland delineation has not been done, although Regulatory staff indicated areas that are, or would, in all probability be wetlands. We understand that wetland delineation will be done after detailed plans of the selected plan are complete. We consider the upland and wetland forests and some palustrine emergent wetland to be high quality habitat for many species of birds, mammals, and herpetiles. This area is used by many species of resident and migratory birds, with focus on riparian birds, such as kingfishers. White-tailed deer are abundant in this area, along with many furbearer species. One of the most important features of wildlife habitat area along Tuscarawas River from the Old Zoarville Road to the Dam is the fact that it is not fragmented.

Downstream Access Road (Preferred):

Shortly after our September 21 meeting, your office evaluated the above proposed access road. In part due to wetland impacts associated with the above road, the Corps staff decided to look at the downstream access alternative. This alternative would begin at the first downstream bridge and would follow an existing road and railroad bed along the left bank to the dam site. On October 25, 2006, a Service biologist and Corps staff walked the new proposed access road. Its

RESPONSE

COMMENT

length is similar to the proposed upstream access road. Overall, smaller woody vegetation (Figure 6) and virtually no wetlands would be impacted with this new preferred access alternative. Therefore, the Service supports utilizing the downstream access route.

The Corps maintains a kiosk at the Dover Dam parking lot that addresses the natural resources in the area. It has posters of fish species in the Tuscarawas River, and reptile species that can be found in the area.

IMPACTS TO FISH AND WILDLIFE RESOURCES

14-A

Modification or securing the existing dam will result in severe impacts for the area immediately at and around the dam (Figure 1). The only potential impact to fish and wildlife resources would be a temporary impact to the water quality and aquatic biota passing the structure. We recommend that that impact be minimized by using non-erodible materials to the maximum extent possible, securing erodible materials, and minimizing the time duration for the project.

Some impacts would occur to riparian habitat surrounding the staging areas for construction. At this time these areas include the lawn and parking area on the right bank tailwater area and the corresponding left bank tailwater area. An additional area (acreage undetermined at this time) would be cleared during construction of the access road from the railroad bed to the left bank staging area. May require clearing along the left bank, since it does not include a paved parking area.

On September 1, a biologist made a vegetation survey of the right downstream bank, primarily. Not all plants species were identified; however, Table 1 provides an adequate characterization of the riparian vegetation in the tailwater area. This diverse vegetation provides excellent cover and nesting habitat, and is a food source for an array of wildlife species. Appendix A includes tables on the aquatic biota of Tuscarawas River in the vicinity of the dam, and notes on water quality indices, based on macroinvertebrate and fish data collected by Ohio EPA staff.

14-B

We realize that efforts to secure the Dover Dam for future years will result in impacts to both aquatic and terrestrial habitats. However, we believe those impacts can be minimized by using the prior cleared areas along both riverbanks (in the Dover Dam tailwater area of Tuscarawas River) as staging areas for construction materials, minimizing the size of the access road, such that pull-off areas be used at appropriate intervals that minimize impacts to adjacent wetland and forest habitats. We recommend that the Corps and its contractors fully utilize and enforce the use of best management practices (BMP) during the construction period, which we hope can be expedited, since cooperative weather is frequently a matter of luck. Some common BMP's that we recommend include, but are not limited to, the following:

1. Stream and/or wetland setbacks
2. Water quality ponds
3. Water bar or riffle
4. Sediment trap and silt fence
5. Mulching and seeding
6. Tree and natural area preservation

RESPONSE

14-A Concur. Non-erodible material will be used to the fullest extent possible. Moreover, best management practices would be used to minimize temporary impact to water quality in the vicinity of construction activities. Due to significant dam safety concerns, the project construction schedule has been accelerated to the extent possible. The Corps will continue to investigate ways to further minimize the construction schedule throughout the remainder of project implementation.

14-B Concur. Impact to aquatic and terrestrial habitat and would be minimized to the fullest extent possible. The selection of the downstream access road for primary route for construction equipment greatly minimizes if not completely eliminates potential for wetland impact. Terrestrial impact associated with road widening would be limited to that necessary for construction equipment access. In areas where impacts were unavoidable, native vegetation would be reestablished to offset adverse effects. Moreover, best management practices, including those in the list you provided, would also be employed where appropriate to minimize adverse effects associated with construction activities.

COMMENT

Note: Native species must be used in planting and seeding activities.

ENDANGERED SPECIES COMMENTS

The proposed project lies within the range of the **Indiana bat** (*Myotis sodalis*), a Federally-listed endangered species. Since first listed as endangered in 1967, its population has declined by nearly 60%. Several factors have contributed to the decline of the Indiana bat; these include the loss and degradation of suitable hibernacula, human disturbance during hibernation, pesticides, and the loss and degradation of forested habitat, particularly stands of large, mature trees. Fragmentation of forest habitat may also contribute to declines.

Summer habitat requirements for the species are not well defined, but the following are considered important:

- (1) dead or live trees and snags with peeling or exfoliating bark, split tree trunks and/or branches, or cavities, which may be used as maternity roost areas;
- (2) live trees (such as shagbark hickory and oaks) which have exfoliating bark;
- (3) stream corridors, riparian areas, and upland woodlots which provide forage sites.

14-C

Should the proposed site contain trees or associated habitats exhibiting any of the characteristics listed above, we recommend that the habitat and surrounding trees be saved wherever possible. If the trees must be cut, further coordination with this office is requested to determine if surveys are warranted. Any survey should be designed and conducted in coordination with the Endangered Species Coordinator for this office.

14-D

Based on our biologist's survey of the riparian habitat along the right bank of the tailwater area, very little, if any, potential Indiana bat habitat was observed. Some potential Indiana bat habitat was observed along the proposed access road, although it did not appear to be prime habitat. The Corps of Engineers should contact the U.S. Fish and Wildlife Service again after detailed access plans have been made. At this time we believe seasonal cutting of unavoidable trees would be sufficient to comply with our guidance.

14-E

The project area also lies within the range of the **bald eagle** (*Haliaeetus leucocephalus*), a Federally-listed threatened species. We recommend that you contact Mr. Mark Shieldcastle, with the Ohio Department of Natural Resources, Division of Wildlife, (419) 898-0960, for the location(s) of the eagle nest(s) in the county. If any nests are located within ½ mile of the project site, further coordination with this office is necessary. If the nest is active, we recommend that work at the site be restricted from mid-January through July to allow pre-nesting activities, incubation, and raising of the young.

Finally, the proposed project lies within the range of the **clubshell mussel** (*Pleurobema clava*), a Federally-listed endangered species, based on historic records for Tuscarawas County. The clubshell inhabits areas with sand or gravel substrate and also prefers areas with riffles and runs. Should the proposed project directly or indirectly impact any of the habitat types described above, we recommend that a survey be conducted to determine the presence or probable absence

RESPONSE

14-C Concur. The Corps will contact the U.S. Fish and Wildlife Service after detailed plans have been made for construction access. At which time the Corps, in coordination with the USFWS, will reassess the habitat suitability in the area of impact. Moreover, to avoid impact to the species, the Corps is committed to accomplishing all tree clearing activities between the dates of September 15 and April 15. If for some reason the Corps finds it necessary to perform any tree removal outside of this timeframe, prior coordination with the USFWS and other resource agencies would take place to ensure impact is avoided.

14-D Concur. Mark Shieldcastle of the Ohio Department of Natural Resource (ODNR) was contacted during project scoping. According to Mr. Shieldcastle, the nearest known nest is approximately 10 miles from the project area. No impacts are expected. However, prior to construction, the ODNR would be consulted again to ensure nesting sites that were not previously identified have not established within ½ mile of the project area. If nests are encountered during project construction all activities would cease and proper action and coordination with resource agencies would take place.

14-E Concur. As detailed construction methods and impact assessments are undertaken, the Corps will survey the impact zone for the presence of the clubshell mussel. Surveys will be scoped and conducted in partnership with the U.S. Fish and Wildlife Service pursuant to Section 7 of the Endangered Species Act based on detailed project information. Further discussion regarding the clubshell mussel is included in Section 2.5.3 of the EIS.

COMMENT

of mussels in anticipated impact zone of the proposed site. If a mussel bed is found, further coordination with the Service would be required.

In a 1996 survey, white heelsplitter (*Lasmigona complanata*) was found at Dover Dam. At the next survey site downstream from the dam, giant floater (*Pyganodon grandis*), fat mucket (*Lampsilis siliquidea*), and white heelsplitter were found.

SUMMARY OF RECOMMENDATIONS

14-F

1. We do not believe there is significant difference in impacts to the area's fish and wildlife resources from either of the two action alternatives. Raising the height of the dam would result in more use of the access road; however, the road would have to be prepared for use with either alternative. Pull-outs should be used to allow trucks to pass safely, while minimizing impacts associated with access road widening.

14-G

2. We anticipate minimal impacts to wetland habitats with use of the downstream access road. Any impacts should be mitigated in accordance with provisions of the Clean Water Act, as administered by the Corps of engineers and Ohio EPA. We recommend that wetland mitigation (or other mitigation, such as planting of native trees, shrubs, and forbs on disturbed project areas) occur on Corps property in the vicinity of the project.

14-H

3. After a decision is made regarding the access road and detailed plans are finalized, an assessment of potential Indiana bat habitat should be made. At this time we anticipate that seasonal cutting of unavoidable trees would be sufficient to address avoidance of impacts to this species.

14-I

4. The construction period should be carefully planned to minimize impacts associated with construction. We recommend strict adherence to best management practices (see above list of common BMP's) during and following construction to reduce impacts to fish and wildlife resources.

14-J

5. We understand that the placement of limestone riprap is proposed in a 25-foot reach of the stream immediately off the stilling basin. We believe this material may provide benefits for the fishery resources. This should be coordinated with the Service and Ohio Department of Natural Resources. Prior to placement of this material, the existing substrate should be assessed for its potential to harbor a mussel community. If warranted, a presence/absence mussel survey should be done in this area.

14-K

6. As is the case throughout most of Ohio, invasive exotic plant species are becoming an increasing problem, and the Dover Dam area is no exception. We recommend that invasive plants, such as bush honeysuckle and Japanese knotweed, be removed from the project area, including along the access road, and replaced with native species of value to fish and wildlife.

RESPONSE

14-F Concur. See response to Comment 14-B

14-G Concur. Mitigation for all impacts would be mitigated in accordance with provisions of the Clean Water Act. Moreover, a native vegetation assemblage would be reestablished where impacts to terrestrial resources were unavoidable.

14-H Concur. See response to Comment 14-B.

14-I Concur. See response to Comment 14-A.

14-J Concur. See response to Comment 14-E.

14-K Concur. Invasive species will be managed such that the native species assemblage planted in impacted areas could be reestablished.

COMMENT

14-L

7. Figure 7 shows tailings from past coal mining in the area. We recommend that this area be restored by removing these materials and planting the area with a variety of native woody plants, as mitigation for losses of shrub and tree habitat along the access road.

This list of recommendations is not exhaustive, relative to implementation of either BMP's or mitigation measures; however, it is a good starting point for initiation of an environmentally sound project. We offer our continued recommendations during your planning process, as warranted.

These comments have been prepared under the authority of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.), the Endangered Species Act of 1973, as amended, and are consistent with the intent of the National Environmental Policy Act of 1969 and the U. S. Fish and Wildlife Service's Mitigation Policy.

If you have questions, or if we may be of further assistance in this matter, please contact me or anyone at this office for Ken Lammers' phone number and/or email address.

Sincerely,



Mary Knapp, Ph.D.
Supervisor

cc: ODNR, Div. of Wildlife, SCEA Unit, Columbus, OH
ODNR, Div. of Real Estate and Land Management, Columbus, OH
Ohio EPA, 401/Wetland Section, Columbus, OH

RESPONSE

14-L Non-Concur. The Corps agrees that this area is problematic from the standpoint of poor habitat quality and perhaps other negative outputs of many post-mining sites. The Corps has considered the recommendation of the Service and finds that the property is not within the current work limits, is not required for the construction of the road and is not required to mitigate for significant habitats impacted by the project. Therefore, the Corps does not have sufficient authority or interest in the property to acquire it and effect the restoration recommended by the Service.

COMMENT



IN REPLY REFER TO:

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Custom House, Room 244
200 Chestnut Street
Philadelphia, Pennsylvania 19106-2904



March 6, 2007

ER 07/21

Colonel Dana R. Hurst
District Engineer and Commander
Huntington District, U.S. Army Corps of Engineers
502 8th Street
Huntington, West Virginia 25701-2070

Attention: Mr. Rodney Cremeans, CELRH-PM

Dear Colonel Hurst:

The Department of the Interior (Department) has reviewed the January 2007 Draft Reevaluation Report and Environmental Impact Statement (DEIS) for the Dam Safety Assurance Program, Dover Dam on the Tuscarawas River, Muskingum River Basin, City of Dover, Tuscarawas County, Ohio.

The Reynoldsburg, Ohio, Field Office of the U.S. Fish and Wildlife Service (Service) has provided planning assistance to the Huntington District (Corps) for the Dover Dam project, including conducting on-site project reviews and habitat assessments. Much of this data is presented in the Service's November 15, 2006, Planning Aid Letter (PAL), which is included in Appendix H of the DEIS. This PAL includes a discussion of the potential impacts of the alternatives on fish and wildlife resources. In addition, the Service was given opportunity to review and comment on the preliminary draft document in December 2006. Since receiving the Service's comments, Corps staff have discussed the issue raised by the Service in its preparation of the DEIS. In general, the Service believes that the DEIS adequately addresses fish and wildlife resource issues for which the Service has responsibility. The Department provides the following additional comments for your consideration.

GENERAL COMMENTS

The Department concurs that the proposed project should have relatively minor impact to fish and wildlife resources. Anticipated impacts to terrestrial habitat along the proposed access road and the dam vicinity are an estimated 2.6 acres with the recommended plan (Raise Dam). Impacts to the aquatic resources could vary greatly, depending on the weather events that occur during the construction period. For this reason, we recommend thorough pre-construction planning be done in an effort to minimize the time that exposed surfaces will subject to erosion.

15-A

RESPONSE

15-A Concur. See response to Comment 14-A.

COMMENT

Unprotected soils or other construction materials could have severe impacts to the Tuscarawas River in the project vicinity. For this reason, we recommend strict adherence to best management practices throughout the construction period.

15-B We note that the Corps did not respond directly to the recommendations made in the PAL, nor to the comments from the public that are included in Appendix H. We recommend that the Corps include in the Final EIS responses to all comments and recommendations.

SPECIFIC COMMENTS

15-C Page 24-25, section 2.5.3, Wildlife and Endangered Species: It should be noted that the quality of potential Indiana bat habitat can change over a relatively short period of time. Habitat that is minimally suitable one year may improve as trees mature and/or die. Conversely, excellent habitat today may be significantly less suitable a few years later. Accordingly, we recommend that an assessment of potential Indiana bat habitat be made during the summer prior to the proposed start of construction to obtain a more accurate impact assessment. We support the Corps proposal to offset the loss of habitat through the reestablishment of a native species assemblage upon completion of construction activities.

15-D The DEIS indicates that Dover Dam is within the historic range of the clubshell mussel (*Pleurobema clava*), a federally listed endangered species, and that habitat conditions downstream of the dam are favorable for this species. Habitat fragmentation due to the presence of dams on the Muskingum River and its Tuscarawas tributary have likely had an adverse effect on the distribution of *P. clava*.

The U.S. Geological Survey offers information on research activities which support *P. clava* conservation. Chief among these are a study to determine the phylogeographic structure of *P. clava* throughout the species' range and a gene marking technique which allows managers to measure the overall resource benefit of an augmentation effort and the effectiveness of breeding and species introduction methodologies. Further information can be obtained from Timothy King or Cheryl Morrison at the USGS Leetown Science Center, <http://www.lsc.usgs.gov>

The Service notes and concurs with the comments regarding *P. clava* and actions necessary to ensure compliance with Section 7 of the Endangered Species Act. We would appreciate the Corps initiating early coordination with the Endangered Species Coordinator, Reynoldsburg Field Office, in the planning of the mussel survey in the downstream reach of the Tuscarawas River. The Corps and the Service should also discuss options for avoiding impacts (e.g., design selection, construction timing, and/or mussel relocation) should the survey indicate that mussels are present in the zone of construction impact.

15-E Page 26, section 2.5.4.2, Wetlands, and Page 7, section 1.6.6.2, Wetlands: The preferred haul road on the left descending bank downstream of the dam will require widening of the abandoned railroad bed by 15 feet. This has the potential to result in at least minor impacts to adjacent wetlands. To adequately address this situation, we recommend that a wetland delineation be completed for any wetlands located between the proposed access road and the river. Best management practices should be strictly observed during construction of the access road to minimize the potential for runoff reaching wetlands. Any impacts to wetlands should be mitigated in accordance with the Corps standard mitigation procedures.

RESPONSE

15-B Concur. Responses to all public and agency comment received during project scoping and Draft EIS public review period is included in the Final EIS.

15-C Concur. See response to Comment 14-C.

15-D Concur. See response to Comment 14-E.

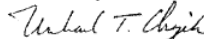
15-E Concur. See response to Comment 14-B.

COMMENT

The Department has a continuing interest in working with the Corps to ensure that impacts to resources of concern to the Department are adequately addressed. For matters related to fish and wildlife resources and federally listed threatened and endangered species, please continue to coordinate with Ms. Mary Knapp, Field Supervisor, U.S. Fish and Wildlife Service, 6950 Americana Parkway, Suite H, Reynoldsburg, Ohio 43068, telephone: (614) 469-6923.

We appreciate the opportunity to review the document and provide comments.

Sincerely,



Michael T. Chezik
Regional Environmental Officer

cc:

M. Knapp, FWS, Reynoldsburg, OH
L. MacLean, FWS, Fort Snelling, MN
L. Woosley, GS, Reston, VA
B. Johnson, GS, reston, VA

RESPONSE

COMMENT

MR-12-2007 17:36 FROM:US EPA REGION 5

312 353 5374

TO:913043995715

P.2/3



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 12 2007

REPLY TO THE ATTENTION OF

B-19J

Mr. Rodney Cremeans
Department of the Army
Huntington District, Corps of Engineers
Attn: CELRH-PM
502 8th Street
Huntington, WV 25701-2070

RE: Dover-Dam Safety Assurance Program Draft Evaluation Report and Environmental Impact Statement CEQ Number: 20070016

Dear Mr. Cremeans:

In accordance with Section 309 of the Clean Air Act and the National Environmental Policy Act, the United States Environmental Protection Agency Region 5 (U.S. EPA) has reviewed the Dover-Dam Safety Assurance Program Draft Evaluation Report and Environmental Impact Statement (EIS). The purpose and need for the project is to modify Dover dam to meet current design standards that relate to stability and sliding during a maximum flood. The Dover dam is located in Tuscarawas County on the Tuscarawas River, approximately 3.5 miles northwest of Dover, Ohio. Three alternatives were evaluated in the draft EIS. The recommended alternative would require raising the dam through the use of concrete parapet walls and installation of anchors in the spillway and stilling basin to address inadequate bedrock foundation.

Based on our review, we have rated the draft EIS as "EC-2." The "EC" indicates that we have environmental concerns. Our concerns center on the approach to remediate potential hazardous waste that may be present in the project area. The "2" indicates that additional information is required to support the findings stated in the document. We also would like to commend your agency on your efforts to minimize the potential impacts to the surrounding terrestrial and aquatic environments through project design and mitigation. We recommend that these components of the proposed project be outlined in detailed in final EIS and the Record of Decision (ROD).

The draft EIS adequately summarized the results from a Phase I Hazardous, Toxic, and Radioactive Waste (HTRW) Environmental Site Assessment (ESA) that identified potential hazardous contamination of concern. The draft EIS generally discussed the actions that will be taken to evaluate and address any potential HTRW issues. We recommend that the final EIS provide a detailed plan that outlines the methods to evaluate and, more importantly, remediate any potential HTRW issue. This evaluation

RESPONSE



DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

REPLY TO
ATTENTION OF

March 21, 2007

Planning, Programs, & Project Management Division
Project Management Branch

Al Fenedick
United States Environmental Protection Agency, Region 5
NEPA Implementation Section
77 West Jackson Boulevard
Chicago, IL 25701-2070

SUBJECT: Response to U.S. Environmental Protection Agency (USEPA) Public Comments Concerning Dover Dam Safety Assurance Program Draft Evaluation Report and Environmental Impact Statement CEQ Number 20070016

Dear Mr. Fenedick,

Reference USEPA letter dated March 12, 2007 from Kenneth Westlake, USEPA Region 5 NEPA Implementation Section, concerning Review Comments on the Dover Dam Safety Assurance Program Draft Evaluation Report and Environmental Impact Statement. On behalf of the U.S. Army Corps of Engineers (USACE), Huntington District, I would like to thank you for your organization's review and subsequent comments concerning the Dover Dam Safety Assurance Program Draft Evaluation Report and Environmental Impact Statement. The Dover Dam Project Delivery Team (PDT) has carefully read and discussed your comments concerning the Hazardous, Toxic and Radioactive Waste (HTRW) portion of the Environmental Impact Statement (EIS). To summarize, the Environmental Protection review produced a rating of "EC-2" meaning that there were environmental concerns (the approach to remediate potential hazardous waste that may be present at the project area) which required additional information to support the findings of the report. Your letter stated that the Phase I HTRW Environmental Site Assessment (ESA) was adequately summarized in the EIS Report, but it was requested that the final EIS provide a detailed plan that outlines the methods to evaluate and remediate any potential HTRW issues. You recommended that this information be included in the final EIS and Record of Decision.

In most circumstances, during the project feasibility stage the performance of a Phase I HTRW ESA is followed by a Phase II HTRW ESA. The Phase II HTRW ESA would include media sampling, determining the extent of contamination, and developing a detailed plan of action report on what strategies are to be used to remediate contamination that is found. However, due to the accelerated schedule attributable to the significance of Dover Dam's safety concerns and limited funding resources during the feasibility stage, HTRW studies were limited to a Phase I ESA. The USACE has determined that the Phase I ESA provides sufficient data to support the determination of project feasibility. During the study, areas of potential concern described in the Phase I ESA and the potential for impact from implementation of project alternatives were examined. This cursory analysis revealed that the potential cost of remediation would be highly

COMMENT

12-2007 17:36 FROM:US EPA REGION 5

312 353 5374

TO:913043995715

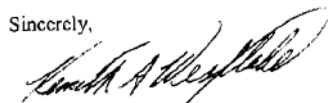
P.3/3

2

and remediation plan should be included in the final EIS and ROD.

Thank you for the opportunity to review and comment on the draft EIS for the proposed Dover dam project. If you have any questions or comments, please contact Al Fenedick of my staff at 312-886-6872 or by E-mail, fenedick.al@epa.gov.

Sincerely,



Kenneth A. Westlake, Chief
NEPA Implementation Section

RESPONSE

-2-

unlikely to affect project feasibility or alternative selection. Additionally, the recommended alternative, when compared to the other action alternative carried forward into the final array, minimizes potential to impact potential areas of concern described by the Phase I ESA.

The USACE will conduct a Phase II HTRW ESA during the next project stage, the Design Documentation Report (DDR) Phase. The DDR is a record of final design effort following the feasibility phase. It provides the technical basis for the plans and specifications and serves as a summary for the final design of the project. The information found during the Phase II HTRW Investigation will be presented in a report that also provides detailed remediation alternatives. This report will be provided to your office for your review and concurrence prior to implementation.

If there are any questions or response comments to this plan of action please don't hesitate to call Nickolas McHenry at (304) 399-5909, Jay Aya-ay at (304) 399-5872, or myself at (304) 399-5170. Thank you for your assistance on this project and we look forward to working with you in the future.

Sincerely,



Rodney Cremeans
Project Manager, Dover Dam DSA Project